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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER HEFFINGTON, JOHN M	
			ART UNIT 2179	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,742	<b>Applicant(s)</b> BALES ET AL.	
	<b>Examiner</b> JOHN M. HEFFINGTON	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-23, 25, 27-29, 33-39, 41, 42 and 44-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-23, 25, 27-29, 33-39, 41, 42 and 44-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/5/07, 3/11/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the original filing of July 10, 2007. Claims 1, 18, 34 and 51 have been amended. Claims 7, 10, 24, 26, 30-32, 40, 43, 57, 61 and 68 have been canceled. Claims 1-8, 9, 11-23, 25, 27-29, 33-39, 41, 42, 44-66, 58-60 and 62-67 are pending and have been considered below.

#### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1, 18, 34 and 51 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are drawn to an interactive tool which appears to be software per se. Software per se is none of a process, machine, manufacture or a composition of matter, and therefore, is not a statutory category of invention.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1,2,7,9,13-19,24,29-34,35,42,46-52,59,60 and 63-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anuff (US 2002/0029296 A1) in view of Samid (US 2002/0135617 A1).

Claims 1, 34 and 51: Anuff discloses an interactive tool, method and machine readable medium that can configure a portal, comprising:

- a.) a first user interface operable to define and/or manage the portal (Page 1, Paragraph 6);
- b.) a second user interface operable to define and/or manage entitlements for at least one portal resource (Page 1, Paragraph 7);

- c.) wherein the portal can include at least one of the following portal resources: a desktop, a book, a page, a portlet, a shell, a look and feel, and a layout (Page 1, Column 7), (Page 4, Paragraph 66); and
- d.) wherein the entitlement is based on a user role (Page 5, Paragraph 0088)

but does not disclose wherein the portal operates to include a desktop and associated desktop resources that include at least one of: a book, a page, a portlet, a shell, a look and feel, and a layout. However, Samid discloses a proactive desktop portal wherein some of the at least some of the applications relate to independent applications (portlets) (title, abstract, paragraphs 0011-019). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the portal operates to include a desktop and associated desktop resources that include at least one of: a book, a page, a portlet, a shell, a look and feel, and a layout to Anuff. One could have been motivated to add the portal operates to include a desktop and associated desktop resources that include at least one of: a book, a page, a portlet, a shell, a look and feel, and a layout to Anuff in order to provide broad access to data, transparent downloading and a versatile display capability, while consuming very little screen area (Samid, paragraph 0002).

Claims 2, 35, and 52: Anuff and Samid disclose an interactive tool, method and machine readable medium for configuring a portal as in claims 1, 34, and 51 above and

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further discloses that at least one user interface operable to define and/or manage one of: a desktop, a book, a page, a portlet, a shell, a theme, a menu, a look and feel, and a layout (Page 1, Column 7), (Page 4, Paragraph 66).

Claims 7, 40 and 57: (Canceled)

Claims 9, 42, and 59: Anuff and Samid disclose an interactive tool, method and machine readable medium for configuring a portal as in claim 1, 34 and 51 above and Anuff further discloses an entitlement determines what capabilities are available to a portal visitor for the at least one resources (Page 5, Paragraph 76).

Claim 43: (Canceled)

Claim 60: Anuff and Samid disclose a machine readable medium for configuring a portal as in claim 51 above and Anuff further discloses that the entitlement is based on a user role (Page 2 and 3, Paragraph 26).

Claim 61: (Canceled)

Claims 13, 46, and 63: Anuff and Samid disclose an interactive tool, method and machine readable medium for configuring a portal as in claim 1, 34 and 51 and above and Anuff further discloses that a portlet can dynamically present content (Page 2, Paragraph 26), (Page 3, Paragraph 51).

Claims 14, 47, and 64: Anuff and Samid disclose an interactive tool, method and machine readable medium for configuring a portal as in claim 1, 34 and 51 above and Anuff further discloses a fourth user interface operable to define and/or manage personalization of the portal (Page 3, Paragraph 51), (Page 4, Paragraph 56).

Claims 15, 48, and 65: Anuff and Samid disclose an interactive tool, method and machine readable medium for configuring a portal as in claim 14, 47 and 64 above and Anuff further discloses that the fourth user interface is operable to define and/or manage a content placeholder ().

Claims 16, 49, and 66: Anuff and Samid disclose an interactive tool, method and machine readable medium for configuring a portal as in claim 14, 47 and 64 above and Anuff further discloses that the fourth user interface is operable to define and/or manage a content selector (Page 4, Paragraph 56).

Claims 17, 50, and 67: Anuff and Samid disclose an interactive tool, method and machine readable medium for configuring a portal as in claim 1, 34 and 51 above and Anuff further discloses that a fifth user interface operable to define and/or manage delegated administration (Page 5, Paragraph 73-79).

Claim 18: Anuff discloses an interactive tool that can configure a portal, comprising:

- a.) a first user interface operable to define and/or manage the portal (Page 1, Paragraph 6);
- b.) a second user interface operable to define and/or manage entitlements for at least one portal resource (Page 1, Paragraph 7);
- c.) wherein the portal operates to include a desktop and associated desktop resources that includes at least one of the following portal resources: a book, a page, a portlet, a shell, a look and feel, and a layout (Page 1, Column 7), (Page 4, Paragraph 66); and
- d.) wherein an entitlement determines what capabilities are available to a portal visitor for the at least one resources (Page 5, Paragraph 76);
- e.) wherein the entitlement is based on a user role (Page 5, Paragraph 0088),

but does not disclose wherein the portal operates to include a desktop and associated desktop resources that include at least one of: a book, a page, a portlet, a shell, a look and feel, and a layout. However, Samid discloses a proactive desktop portal wherein



some of the at least some of the applications relate to independent applications (portlets) (title, abstract, paragraphs 0011-019). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the portal operates to include a desktop and associated desktop resources that include at least one of: a book, a page, a portlet, a shell, a look and feel, and a layout to Anuff. One could have been motivated to add the portal operates to include a desktop and associated desktop resources that include at least one of: a book, a page, a portlet, a shell, a look and feel, and a layout to Anuff in order to provide broad access to data, transparent downloading and a versatile display capability, while consuming very little screen area (Samid, paragraph 0002).

Claim 19: Anuff and Samid disclose an interactive tool for configuring a portal as in claim 18 above and Anuff further discloses that at least one user interface operable to define and/or manage one of: a desktop, a book, a page, a portlet, a shell, a theme, a menu, a look and feel, and a layout (Page 1, Column 7), (Page 4, Paragraph 66).

Claim 24: (Canceled)

Claim 26: Anuff and Samid disclose an interactive tool for configuring a portal as in claim 18 above and Anuff further discloses that the entitlement is based on a user role (Page 2 and 3, Paragraph 26).

Claim 29: Anuff and Samid disclose an interactive tool for configuring a portal as in claim 18 above and Anuff further discloses that a portlet can dynamically present content (Page 2, Paragraph 26), (Page 3, Paragraph 51).

Claim 30: (Canceled)

Claim 31: (Canceled)

Claim 32: (Canceled)

Claim 33: Anuff and Samid disclose an interactive tool for configuring a portal as in claim 18 above and Anuff further discloses that a fifth user interface operable to define and/or manage delegated administration (Page 5, Paragraph 73-79).

Claim 68: (Canceled)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5,11,20-22,27,36-38,44,53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anuff (US 2002/0029296 A1) in view of Samid (US 2002/0135617 A1) and further in view of Sollenberger (US 2002/0152279 A1).

Claims 3, 36, and 53: Anuff and Samid disclose an interactive tool, method, and a computer readable medium as in the interactive tool of claims 1, 34 and 51 above but does not specifically disclose a desktop that can be defined based on a template. However Sollenberger discloses a personalized intranet portal and further discloses a desktop application (Page 1, Paragraph 5). Therefore, it would have been obvious to one having ordinary in the art at the time of the invention to include a template for the desktop application with the already existing templates of Anuff and Samid. One would have been motivated to have a desktop based on a template in Anuff and Samid to give novel users some guidance thereby improving the user-friendliness.

Claims 4, 37, 54: Anuff and Samid disclose an interactive tool, method, and a computer readable medium as in the interactive tool of claims 1, 34 and 51 but does not disclose a desktop is a user-specific view of a portal. Sollenberger discloses that the user can customize sections of the intranet portal (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff and Samid to allow the user to customize sections of the intranet portal. One would have

been motivated to allow the user to customize sections of the intranet portal in Anuff and Samid in order for the portal to correspond to the users particular needs and requirements.

Claims 5, 38, and 55: Anuff and Samid disclose an interactive tool, method, and a computer readable medium as in the interactive tool of claims 1, 34 and 51 above but does not specifically disclose providing a third user interface operable to define and/or manage a desktop; and wherein the third user interface can render a preview of the desktop. However Sollenberger discloses a personalized intranet portal and further discloses designing a desktop as defined by the user and previewing the display (Page 5, Paragraph 42-44). Therefore, it would have been obvious to one having ordinary in the art at the time of the invention to provide an interface for defining the desktop and for previewing in Anuff and Samid. One would have been motivated to include the interface because a user may need in Anuff and Samid to see if the layout selected accommodates the space allotted.

Claims 11, 44: Anuff and Samid disclose the interactive tool of claims 1 and 34 and further discloses wherein content is part of a virtual content repository (VCR) (paragraph 0024) [A collection of web pages that relate to a common topic and re interlinked with one another may form a web site], but does not disclose a third user interface operable to define and/or manage content. Sollenberger discloses the user adding, removing or rearranging modules in that section. (Abstract, lines 8-10). Therefore, it would have

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been obvious to one having ordinary skill in the art at the time of the invention for Anuff and Samid to permit the user adding, removing or rearranging modules. One would have been motivated to permit the user adding, removing or rearranging modules in Anuff and Samid in order to customize the portal.

Claim 20: Anuff and Samid disclose an interactive tool, as in the interactive tool of claim 18 above but does not disclose a desktop that can be defined based on a template. However Sollenberger discloses a personalized intranet portal and further discloses a desktop application (Page 1, Paragraph 5). Therefore, it would have been obvious to one having ordinary in the art at the time of the invention to include a template for the desktop application with the already existing templates of Anuff and Samid. One would have been motivated to have a desktop based on a template in Anuff and Samid to give novel users some guidance thereby improving the user-friendliness.

Claim 21: Anuff and Samid disclose the interactive tool of claim 18 but does not disclose a desktop is a user-specific view of a portal. Sollenberger discloses that the user can customize sections of the intranet portal (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff and Samid to allow the user to customize sections of the intranet portal. One would have been motivated to allow the user to customize sections of the intranet portal in Anuff and Samid in order for the portal to correspond to the users particular needs and requirements.

Claim 22: Anuff and Samid disclose an interactive tool, as in the interactive tool of claim 18 above but does not specifically disclose providing a third user interface operable to define and/or manage a desktop; and wherein the third user interface can render a preview of the desktop. However Sollenberger discloses a personalized intranet portal and further discloses designing a desktop as defined by the user and previewing the display (Page 5, Paragraph 42-44). Therefore, it would have been obvious to one having ordinary in the art at the time of the invention to provide an interface for defining the desktop and for previewing in Anuff and Samid. One would have been motivated to include the interface because a user may need in Anuff and Samid to see if the layout selected accommodates the space allotted.

Claim 27: Anuff and Samid disclose the interactive tool as in claim 18 above, and further discloses wherein content is part of a virtual content repository (VCR) (paragraph 0024) [A collection of web pages that relate to a common topic and re interlinked with one another may form a web site], but does not disclose a third user interface operable to define and/or manage content. Sollenberger discloses the user adding, removing or rearranging modules in that section. (Abstract, lines 8-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff and Samid to permit the user adding, removing or rearranging modules. One would have been motivated to permit the user adding, removing or rearranging modules in Anuff and Samid in order to customize the portal.

8. Claims 6,8,12,23,25,28,39,41,45,56,58 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anuff (US 2002/0029296 A1) in view of Samid (US 2002/0135617 A1) and further in view of Parker (The Complete Idiots Guide to Microsoft FrontPage 2000).

Claims 6,8,39,41,56,58: Anuff and Samid disclose the interactive tool of claims 1, 34 and 51 but does not disclose that the portal can be depicted graphically as a hierarchy of the at least one portal resources. Parker discloses the FrontPage application window with webpage resources displayed in a hierarchical manner (page 7, figure). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff and Samid to depict the webpage (portal) graphically with the application window showing the webpage resources in a hierarchical manner. One would have been motivated to depict the webpage (portal) graphically with the application window showing the webpage resources in a hierarchical manner in Anuff and Samid to be able to view and manipulate the resources at different levels of abstraction.

Claims 12,45,62: Anuff and Samid disclose the interactive tool, method and machine readable medium of claims 11, 44 and 51 but does not disclose that the third user interface allows a user to modify the VCR by dragging and dropping graphical objects representing VCR nodes. Parker discloses the drag and drop operation (page 52, "Try

Drag and Drop”). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff and Samid to support drag and drop of objects to modify the VCR. One would have been motivated to support drag and drop of objects to modify the VCR in Anuff and Samid because this is a common method in the computer arts field for adding members to a collection.

Claim 23,25: Anuff and Samid disclose the interactive tool of claim 18 but does not disclose that the portal can be depicted graphically as a hierarchy of the at least one portal resources. Parker discloses the FrontPage application window with webpage resources displayed in a hierarchical manner (page 7, figure). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff and Samid to depict the webpage (portal) graphically with the application window showing the webpage resources in a hierarchical manner. One would have been motivated to depict the webpage (portal) graphically with the application window showing the webpage resources in a hierarchical manner in Samid to be able to view and manipulate the resources at different levels of abstraction.

Claim 28: Anuff and Samid disclose the interactive tool of claim 27 wherein: the third user interface allows a user to modify the VCR by dragging and dropping graphical objects representing VCR nodes. Parker discloses the drag and drop operation (page 52, “Try Drag and Drop”). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Anuff and Samid to support drag and drop



of objects to modify the VCR. One would have been motivated to support drag and drop of objects to modify the VCR in Anuff and Samid because this is a common method in the computer arts field for adding members to a collection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Ba Huynh/

Primary Examiner, Art Unit 2179